

## REMARKS

Claims 1, 14, 20, and 26-31 are currently pending in the present application. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1, 14, 20, and 26-31 under 35 U.S.C. § 103(a) as being unpatentable over Weinstock et al. (U.S. Patent No. 6,166,314) in view of "Emagic Notator Logic Sequencing software (Macintosh)" by Kim Aikin [hereinafter "Aikin"]. This rejection is respectfully traversed.

As previously communicated, the present invention is directed to a method for editing musical performance data using a computer system having a display. As shown in Figure 2 of the present application, a plurality of notational layers (e.g., Tempo, Dyna, Joint, Modu, Accent) can be displayed in a parallel-stacked fashion wherein execution icons can be graphically attached to each of the displayed layer. An execution icon, such as a tempo-related or accent-related execution icon, corresponds to execution-related data for imparting effects on the displayed musical performance data to thereby edit the given performance data. As previously discussed, a novel feature of the present invention is the ability to control whether to display or not to display a specific layer, so as to limit the display screen to the display of layers actually used.

Weinstock is simply not directed to editing performance data, as claimed in the present application. Rather, Weinstock is only directed to an apparatus for correlating performance data onto a musical score, where the performance data is inputted in real time. The only editing function that Weinstock discloses is cut/copy/paste functions using the EDIT menu (see Fig. 8 of Weinstock). In this regard, Weinstock is directed to an invention that is fundamentally different from the present invention claimed. Additionally and in the same regard, Weinstock simply does not contain any disclosure or suggestion of displaying a plurality of layers on a display wherein execution icons can be graphically attached to each of the displayed layer for purposes of editing the performance data. Finally, as previously communicated, Weinstock simply does not teach or suggest controlling the display or non-display of the individual layers.

Rather than displaying a plurality of layers for attaching execution icons to edit a given performance data, Weinstock (in Figure 6) only shows a matrix of manipulatable GUIs (graphical user interfaces) for displaying elements corresponding to the instrument compositions of the performance data; other GUIs include fast forward and pause functions, volume and tempo control, etc. Again, not only does Weinstock lack disclosure on displaying a plurality of layers for graphically attaching execution icons, there are simply no provisions or suggestions in Weinstock on methods of editing the inputted performance data. Similarly, Fig. 9 of Weinstock does not show controlling the display of editing layers, rather, Fig. 9 is simply a control panel for displaying various macro-control function GUIs, not layers to which execution icons can be graphically attached.

Aikins fails to make up for the sever deficiencies of Weinstock. Aikin is directed to a software sequencer having a "core printing" function called "NOTATOR LOGIC." Figs. 1 and 2 of the article show icons that are representative of musical instruments that can be assigned to tracks. Aikins shows prescribed icons representing cut and paste functions on the tool box for editing MIDI data sequence. Although Aikins discusses a "Hyper Edit Window" for using the Notator Logic to graphically edit musical notes, Aikin does not speak to graphically attaching execution icons to a plurality of displayed layers, wherein the execution icons contain execution-related data for editing performance data. Similarly, the last full paragraph on page 123 only speaks to displaying instrument icons, not execution icons. Accordingly, in view of all of the above, Applicants respectfully submit that Claims 1, 14, 20, and 26-31 are not anticipated by, nor obvious in view of, Weinstock and Aikins.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. An early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.


In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for

any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032019700.

Respectfully submitted,

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